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7 *Attorney for Defendant*

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF COCONINO**

10 TODD SERLIN,

11 Plaintiff,

12 v.

13 XANTERRA PARKS & RESORTS, INC., A
14 DELAWARE CORPORATION
15 AUTHORIZED TO CONDUCT BUSINESS IN
16 THE STATE OF ARIZONA; JOHN DOES I
17 through V; JANE DOES I through V; BLACK
18 CORPORATIONS I through V; WHITE
19 PARTNERSHIPS I through V; and GREEN
20 LIMITED LIABILITY COMPANIES I through
21 V,

22 Defendants.

Case No.: S0300CV201900114

DEFENDANTS' NOTICE OF REMOVAL

23 TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
24 ARIZONA, PRESCOTT DIVISION:

25 Xanterra Parks & Resorts, Inc., on behalf of above captioned Defendants (collectively
26 "Xanterra"), through undersigned counsel, BRADFORD, LTD, by this Notice of Removal
27 submitted pursuant to 28 U.S.C. §§ 1441 and 1446 and D. Ariz. LRCiv. 3.6, gives notice of
28

1 the removal of this action from The Superior Court of The State of Arizona, Coconino
2 County, to the United States District Court for the District of Arizona. In support of this
3 Notice, Defendants respectfully shows the Court:
4

5 1. Plaintiff, Todd Serlin, filed a Complaint alleging Tort, Non-Motor Vehicle, assigned
6 as a Tier 2 Case, against Xanterra, Case No.: S0300CV201900114, on March 6, 2019 in
7 Coconino County, Arizona. *See* Complaint.
8

9 2. Counsel for Xanterra, BRADFORD, LTD, accepted and returned a waiver of service
10 on behalf of Xanterra on March 15, 2019. *See* Waiver and Acceptance of Service.
11

12 3. Plaintiff “is, and at all times relevant to this Complaint was, a resident of Los
13 Angeles County, California.” Complaint at ¶ 1.
14

15 4. Xanterra is, and at all times relevant was, a Delaware Corporation with its principle
16 place of business in Greenwood Village, Colorado. *See* Exhibit A, Affidavit of Long.
17

18 5. Xanterra is not a citizen of Arizona.
19

20 6. Diversity of citizenship amongst the parties pursuant to 28 U.S.C.S. § 1332 is
21 established amongst Plaintiff and Xanterra.
22

23 7. Plaintiff’s Complaint fails to state a monetary or non-economic amount of damages
24 sought. Complaint at ll. 8-20.
25

26 8. Plaintiff’s Complaint assigns the Case to Tier 2. Tier 2 cases claim damages of more
27 than \$50,000.00 but less than \$300,000. Ariz. R. Civ. Pro. 26.2(c)(3); *See* Complaint.
28

9. Plaintiff’s Complaint does allege that his injuries include: gastroenteritis, nausea,
dehydration, damage to his pancreas, diabetes, and emotional distress, suffering, and for an
indefinite time, great pain, suffering, significant discomfort and loss of quality of life, and

1 expenses for necessary medical care and treatment for the rest of his life. Complaint at ll. 8-
2 16.

3
4 10. Plaintiff made a pre-suit demand to Xanterra well in excess of the jurisdictional limit
5 provided at 28 U.S.C.S. § 1332. *See* Exhibit A, Affidavit of Long.

6 11. Upon information and belief, Plaintiff is claiming damages in excess of \$100,00.00
7 to compensate him for the above alleged damages in this suit.

8
9 12. The jurisdictional limit for an amount in controversy in excess of \$75,000.00
10 pursuant to 28 U.S.C.S. § 1332 is met in this matter.

11 13. This matter is currently pending in The Superior Court of Arizona, Coconino
12 County, thus the Prescott Division of the United States District Court of the District of
13 Arizona is the proper division to remove to pursuant to 28 U.S.C.S. § 1441.

14
15 14. Removal of this matter to The United States District Court for the District of
16 Arizona, Prescott Division is proper pursuant to 28 U.S.C.S. § 1332, 28 U.S.C. §§ 1441
17 and 1446, and D. Ariz. LRCiv. 3.6.

18
19 15. A copy of this Notice of Removal has been filed with the clerk of the state court
20 from which the action or prosecution has been removed.

21
22 16. A copy of this notice of Removal is being served to Plaintiff in this matter.

23 17. A copy of the docket at the time of this filing and all pleadings or other filings filed
24 thus far in this matter is being provided with this filing.

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26 Dated this 28th day of March, 2019.

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Aaron P. Bradford

Aaron P. Bradford
BRADFORD, LTD.

Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2019, I filed the foregoing through the Arizona State Court electronic filing system which will provide notice of filing and copy to the following counsel of record and via electronic mail:

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Counsel for Plaintiff

/s/ Aaron P. Bradford
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